

**General Assembly
Security Council**

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East
Jerusalem and the rest of the Occupied
Palestinian Territory

Security Council
Sixty-third year

**Identical letters dated 17 November 2008 from the Chargé
d'affaires a.i. of the Permanent Observer Mission of Palestine to
the United Nations addressed to the Secretary-General and the
President of the Security Council**

Israel, the occupying Power, continues to escalate its military campaign in the Occupied Palestinian Territory, particularly in the besieged Gaza Strip. This latest escalation by Israel began on 4 November, in violation of the Egyptian-brokered ceasefire that has held since June 2008. In the period since 4 November, the Israeli occupying forces have killed at least 14 Palestinians and caused direct harm to the entire civilian population in the Gaza Strip as it has completely closed all Gaza crossings, even to essential international humanitarian aid, severely disrupting the food and fuel supply. This has even impacted United Nations operations on the ground, including that of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is providing food rations to over three quarters of a million Palestinians left needy and hungry by this inhumane Israeli siege.

In our letter to you on 5 November 2008, we clearly warned against this wilful and senseless Israeli escalation of violence, which is solely aimed at undermining the Palestinian Authority's efforts to maintain calm and promote reconciliation and at diverting attention from the peace process by dragging us all back into a vicious cycle of violence. In this regard, on 16 November, Israeli Minister Shaul Mofaz publicly called for the intensification of Israel's illegal campaign of extrajudicial assassinations and the continuation of this campaign as an official component of Israeli policy. Further, Israeli Vice-Prime Minister Haim Ramon has shameless called for cutting off electricity and water supplies to Gaza's 1.5 million residents, and there are reports, such as the one aired on the occupying Power's army radio on 11 November, referring to the razing of towns and villages in Gaza, showing abject disregard for international law and the international community's calls for respect for the safety and well-being of the Palestinian civilian population in Gaza.



Such actions and declarations reflect utter disregard for the lives of the Palestinian civilians under Israeli occupation. In fact, we are witnessing a repulsive competition between Israeli leaders in their election campaign, in which the winner adopts the most extreme, violent, or racist position and/or action towards Palestinians. In this regard, we must stress that, as in the past, such military escalation will not bring stability or security to the area, but will only engender more violence, create more humanitarian suffering and loss and further undermine peace efforts.

Regardless of the pretext used by Israel, nothing can justify the collective punishment of over 1.5 Palestinian civilians — such actions are strictly forbidden under international humanitarian law, particularly article 33 of the Fourth Geneva Convention. The United Nations, including the Security Council, and the High Contracting Parties to the Fourth Geneva Convention must uphold their legal and moral responsibility to end this inhumane policy that only targets civilians, including children, women, the elderly and patients in urgent need of medical attention. We have repeatedly cautioned against this policy, which has been intensifying, even while a ceasefire with Israel was strictly honoured. Additionally, United Nations agencies and several other international organizations have continuously warned about the grave humanitarian impact of this punitive siege and its vast, long-term effects. Now the urgent question that must be asked is: What more is the international community waiting for before it decides to intervene and put an end to this criminal policy? Must the current Israeli-imposed humanitarian disaster in Gaza turn into an outright catastrophe before international action materializes?

At the same time, Israel continues all other violations of international law in the Occupied Palestinian Territory, including East Jerusalem. In this regard, the occupying Power persists in its attempts to create more facts on the ground, relentlessly pushing ahead with its illegal settlement campaign that seriously threatens the viability of a two-State solution and the very prospects for peace. As reported in the Israeli media, Israeli Minister Ehud Barak recently authorized the construction of hundreds more new settlement units in the West Bank. Such a decision is totally contrary to the peace process and Israel's commitments therein and is extremely damaging to the process, the credibility of which cannot withstand continued confiscation of land and construction of settlements and the wall.

Regrettably, despite all of this, no Security Council condemnation has been forthcoming on these serious issues. Continued silence will only further feed Israel's impunity, allowing it to continue committing its violations to the detriment of the human rights and dignity of the Palestinian people and all of our efforts to achieve a just and lasting peace.

The ongoing bilateral negotiations between the two parties are not taking place in a vacuum. Instead, they are and should be held in the context of full respect for obligations under international law, including humanitarian and human rights law, as well as Security Council resolutions and agreements and commitments undertaken by the two sides, including the Annapolis joint understanding. This is the context that must be upheld and respected by all concerned parties seeking to promote the peace process, including the Quartet, of which the United Nations is a member. In this regard, given these principles and obligations, we must all work to dispel any Israeli illusions that it can continue its illegal and destructive policies in the

Occupied Palestinian Territory and at the same time claim to want peace. The international community must cease appeasement of such behaviour and bear its responsibilities in this regard.

In closing, I wish to draw your attention to the commemoration by the Palestinian people two days ago of the twentieth anniversary of their Declaration of Independence. On this occasion, we reaffirm our determination to achieve the inalienable and national rights of the Palestinian people under the leadership of their sole and legitimate representative, the Palestine Liberation Organization. Indeed, despite the tragic, historic injustice that has befallen them and the continued suffering and hardship they endure, the Palestinian people still extend their hand in peace. Accordingly, we recall the statement by President Mahmoud Abbas on this occasion, in which he stated: "While we have chosen a just and comprehensive peace as means to achieving our rights fully, we say at the same time that peace and security cannot be achieved by the spearheads of brutal occupation".

The present letter is in follow-up to our previous 321 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 5 November 2008 (A/ES-10/425-S/2008/689), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter and its annexed list of Palestinian martyrs distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Feda Abdelhady-Nasser
Chargé d'affaires a.i.

**Annex to the identical letters dated 17 November 2008 from the
Chargé d'affaires a.i. of the Permanent Observer Mission of
Palestine to the United Nations addressed to the Secretary-General
and the President of the Security Council**

**Names of martyrs killed by the Israeli occupying forces in the
Occupied Palestinian Territory, including East Jerusalem* (from
Wednesday, 29 October 2008, to Sunday, 16 November 2008)**

Wednesday, 29 October 2008

Mohammad Taher Abahra (65)

Wednesday, 5 November 2008

1. Ammar Saleem Salhiyya
2. Wajed Nizam Muhareb
3. Mahmoud Taha Ba'lousha
4. Omar Saleem Al-Alami
5. Mohammad Abdallah Awad
6. Mazen Nazmi Saa'da

Wednesday, 12 November 2008

1. Mohsen Moussa Al-Qedra
2. Mahmoud Na'eem Siyam
3. Rami Omar Fraina
4. Ismail Ali Abu Al-Ola

Saturday, 15 November 2008

Abdallah Husain Al-Manayaa'

Sunday, 16 November 2008

1. Talal Husain Al-Amoudi
2. Mohammad Hassouna
3. Ahmad Al-Helou
4. Bassel Al-Ouf

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 5,295.



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Security Council
Sixty-third year

Implementation of the resolutions of the United Nations

**Letter dated 17 November 2008 from the Permanent
Representative of the former Yugoslav Republic of Macedonia
to the United Nations addressed to the Secretary-General**

I have the honour to forward herewith the aide-memoire of the Ministry of Foreign Affairs of the Republic of Macedonia consisting of annexes I and II, in regard to the application filed with the International Court of Justice on the dispute concerning the implementation of article 11, paragraph 1 of the Interim Accord of 13 September 1995.

I should be grateful if you would have the present letter and its annexes circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(Signed) Slobodan **Tašovski**
Ambassador
Permanent Representative



Annex I

Annexes to the letter dated 17 November 2008 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

Republic of Macedonia versus Greece

Application filed with the International Court of Justice for protection of the application of article 11 of the 1995 Interim Accord

In September 1995, Macedonia and Greece concluded the Interim Accord, after which Greece lifted the two year unilateral trade embargo against Macedonia. The Interim Accord was signed by the then Ministers of Foreign Affairs, Mr. Stevo Crvenkovski and Mr. Karolos Papoulias (the incumbent President of Greece), as well as by Mr. Cyrus Vance, Special Envoy of the UN Secretary General. The Interim Accord has a binding effect for the two Parties, it is registered with the UN by Greece, and has the character of an international treaty. Most importantly, the Interim Accord is the key document under which the two neighbouring countries have mutually confirmed their territorial integrity, established diplomatic relations and normalized their relations. (See the integral text of the Interim Accord: <http://www.mfa.gov.mk/default.aspx?itemID=238>)

The Interim Accord is also the only contractual legal framework for continuation of the negotiations on the name difference under the auspices of the UN Secretary General, in pursuance with the UN Security Council Resolutions 845 and 817 of 1993. The Interim Accord is an international treaty which is still in force and neither of the Parties has withdrawn from the Interim Accord. In addition, both Parties have agreed that any difference or dispute concerning the implementation of the Interim Accord will be submitted by either of them to the International Court of Justice, except for the name difference (Article 21 of the Interim Accord).

One of the objectives of the Interim Accord is to facilitate the further unimpeded establishment of the Republic of Macedonia as an independent and sovereign state in all spheres of international relations. In this respect, the Interim Accord sets forth an explicit obligation for Greece, contained in Article 11, not to object to the application by or the membership of the Republic of Macedonia in international, multilateral and regional organizations and institutions if this is in compliance with the UN Security Council Resolution 817 where the country is provisionally referred to as the "former Yugoslav Republic of Macedonia". By the consistent application of this provision, Macedonia became an OSCE member (October 1995), of the Council of Europe (November 1995), of the World Trade Organization (April 2003), and many other international organizations.

Regrettably, Greece grossly violated the Interim Accord by blocking the invitation to the Republic of Macedonia for NATO membership, at the NATO Bucharest Summit, in April 2008. If such practice of violation of the obligations set forth in the Interim Accord continues, Macedonia would be threatened with legal uncertainty and the aspirations of the country for further establishment in international relations would be significantly hampered or completely blocked by Greece. In addition, such a practice by Greece could lead to de facto invalidation of the Interim Accord, which would be counterproductive for both Parties.

Consequently, the application lodged with the International Court of Justice (ICJ) has the sole purpose of protecting the Interim Accord from further violations, in light of the fact that this is a key agreement which is of essential importance for the normal relations between Macedonia and Greece. Macedonia is strongly convinced that the respect for and the consistent application of the Interim Accord is beneficial for both Parties and that what has been agreed upon must be honoured, by the letter and in spirit. Furthermore, in the application, the ICJ is requested to order Greece to cease objecting in any way, to the membership of Macedonia to NATO and/or any other international, multilateral and regional organizations and institutions, provided that Macedonia is referred to in such organizations or institutions as "the former Yugoslav Republic of Macedonia", in accordance with the UN Security Council Resolution 817.

The normal and equitable conduct of negotiations on the difference that Greece has regarding the constitutional name of Macedonia is conditioned to a great extent by the respect for and application of the Interim Accord. Thus, the protection and consistent respect for the Interim Accord is to serve as an additional motive for both Parties to arrive at a compromise solution on the name dispute, and reach a final settlement that would lastingly encompass the areas of good-neighbourly cooperation covered by the Interim Accord. In its application to the ICJ, Macedonia points out that the name difference is not the matter of the said application, as well as that in pursuance with Article 5 of the Interim Accord, Macedonia remains committed to the process of negotiations with Greece, mediated by the Special Envoy of the UN Secretary General.

In accordance with the Statute of the ICJ, Mr. Antonio Milososki, Minister of Foreign Affairs has been designated as the agent of the Republic of Macedonia before the ICJ in respect of the said application.

The submission of the application by the Republic of Macedonia is not a request for advisory opinion of the ICJ. This is a case which is to end with a final judgement of the ICJ, which as the chief judicial body of the UN has the sole jurisdiction over the 1995 Interim Accord. Unlike advisory opinions which are of consultative character, the judgements of the ICJ upon filed applications are final and legally binding upon the parties to the case, while the UN Security Council guarantees their implementation.

According to assessments of the hitherto practice of the ICJ, the procedure until the adoption of the judgement is expected to last from three to five years. In respect of the application before the ICJ, Macedonia has engaged a team of renowned foreign experts in international law, having rich experiences in proceedings before the ICJ.

The Republic of Macedonia has designated Dr. Budislav Vukas, Croatian professor in international law, as an ad-hoc judge in this case before the ICJ.

Annex II

The Interim Accord concluded between the Republic of Macedonia and Greece on 13 September 1995 (entered into force on 13 October 1995) is the only and appropriate legal framework to regulate the bilateral relations between the two countries, in several areas of their bilateral cooperation. Under the Interim Accord, Greece recognized the independence and sovereignty of the Republic of Macedonia within its internationally recognized borders, and diplomatic relations were established at the agreed level, by which the relations between the two neighbouring countries were basically normalized.

The Interim Accord is, *inter alia*, the only contractual (accepted by both Parties) legal framework for continuation of the negotiations under the auspices of the United Nations Secretary General, in pursuance with the United Nations Security Council Resolution 845 (1993), with a view to reaching an agreement on the difference referred to in paragraph 2 of the United Nations Security Council Resolution 817 (1993).

Taking into consideration the spirit of the Interim Accord, the goal of which, *inter alia*, is to facilitate the further unimpeded establishment of the Republic of Macedonia as an independent and sovereign state in all spheres of international relations, the Interim Accord sets forth an explicit obligation for Greece (contained in Article 11), which essentially determines the spirit of the Interim Accord. Namely, under Article 11 Greece agrees "Upon the entry into force of this Interim Accord not to object to the application by or the membership of the Party of the Second Part in international, multilateral and regional organizations and institutions of which the Party of the First Part is a member; however, the Party of the First Part reserves the right to object to any membership referred to above if and to the extent the Party of the Second Part is to be referred to in such organization or institution differently than in paragraph 2 of the United Nations Security Council Resolution 817 (1993)." This is one of the key provisions of the Interim Accord the respect for which conditions the normal equitable course of the negotiations on the difference with respect to the name of the Republic of Macedonia under the auspices of the United Nations Secretary General.

In the process of acquiring invitation for NATO membership, the Republic of Macedonia respected this provision, agreeing that the process of accession to NATO proceed under the reference contained in paragraph 2 of the United Nations Security Council Resolution 817 (1993).

However, in the period prior to and during the NATO Summit in Bucharest, Greece, acting through its representatives, and in contravention of the obligation assumed under Article 11 of the Interim Accord, objected to extending an invitation to the Republic of Macedonia for fully-fledged membership of NATO. This objection by Greece *de facto* precluded the accession of the Republic of Macedonia to NATO. Placing the said objection, Greece directly and grossly violated the obligation assumed under Article 11 of the Interim Accord.

If this practice of violation of and disrespect for the obligations set forth in the Interim Accord continues, the Republic of Macedonia would be threatened with legal uncertainty and the aspiration of the country for further establishment in international relations, primarily in the European and Euro-Atlantic structures would be completely impeded and blocked by Greece. In addition, such a practice by Greece could lead to *de facto* invalidation of the Interim Accord, which would be counterproductive for both Parties.

In light of the above stated, and in pursuance with Article 36, paragraph 1 of the Statute of the International Court of Justice and with Article 21, paragraph 2 of the Interim Accord, which explicitly sets forth that any difference or dispute that arises between the Parties concerning the interpretation or implementation of the Interim Accord shall be under the jurisdiction of International Court of Justice, the Republic of Macedonia has submitted an Application to the International Court of Justice for adjudication on the dispute between the Republic of Macedonia and Greece concerning the implementation of Article 11, paragraph 1 of the Interim Accord of 13 September 1995.

In its Application to the International Court of Justice, the Republic of Macedonia requests the Court to adjudge and declare that Greece, through its State organs and agents, has violated its obligations under Article 11, paragraph 1 of the Interim Accord, requesting further the International Court of Justice to order Greece immediately to take all necessary steps to comply with its obligations under Article 11, paragraph 1 of the Interim Accord. The Court is also requested to order Greece to cease and desist from objecting in any way, whether directly or indirectly, to the membership of the Republic of Macedonia to NATO and/or of any other international, multilateral and regional organizations and institutions, in circumstances where the Republic of Macedonia is to be referred to in such organizations or institutions by the designation provided for in paragraph 2 of United Nations Security Council Resolution 817 (1993).

In accordance with Article 42, paragraph 1 of the Statute of the International Court of Justice and Article 40, paragraph 2 of the Rules of the Court, Mr. Antonio Milososki, Minister of Foreign Affairs has been designated as the Agent of the Republic of Macedonia before the International Court of Justice in respect of the said Application.

The Republic of Macedonia has designated Dr. Budislav Vukas, Croatian professor in international law, as an ad-hoc judge in this case before the International Court of Justice.

The submission of the Application by the Republic of Macedonia is not to be interpreted, neither in the political nor in the legal sense, as a suspension or cessation of the implementation of the Interim Accord, or as a withdrawal of the Republic of Macedonia from the obligation to continue the negotiations as set forth in Article 5 of the Interim Accord. On the contrary, the Application with the International Court of Justice is aimed at underscoring the importance of the consistent respect for and full implementation of the Interim Accord, which should lead to strengthening the mutual trust between the Parties and to the future full normalization of the bilateral relations between the two countries by reaching a final settlement.

The matter of the Application before the International Court of Justice is not the difference between the two Parties with respect of the name of the Republic of Macedonia, which in accordance with Article 21, paragraph 2 of the Interim Accord is explicitly exempted from the jurisdiction of the International Court of Justice. The submission of the Application by the Republic of Macedonia is not a request for advisory opinion of the International Court of Justice on the difference with respect to the name of the Republic of Macedonia.

This application is not to be equated with, for example, the advisory proceedings before the International Court of Justice regarding the legality of the unilaterally proclaimed independence by Kosovo, recently instituted before the International Court of Justice, following the United Nations General Assembly Resolution.

In line with the usual practice of the International Court of Justice, the procedure until the adoption of the judgment is expected to last several years. The judgments of

the Court are legally binding for the Parties and their implementation is guaranteed by the United Nations Security Council. Taking into consideration the authority that the International Court of Justice enjoys, its judgments affect the renown of states in international relations. In this context, the Application of the Republic of Macedonia, per se should have a positive impact on the conduct of both Parties in pursuance with the Interim Accord and should not impede the normal equitable course of the negotiation process led under the auspices of the United Nations Secretary General.

In the proceedings before the International Court of Justice, the Republic of Macedonia will be represented by a team of renowned international lawyers with extensive experience in proceedings before the International Court of Justice, experts of the Ministry of Foreign Affairs and domestic legal experts in the area of international law.

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General Assembly
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Agenda item 21
Question of Cyprus

Security Council
Sixty-third year

**Letter dated 14 November 2008 from the Permanent
Representative of Cyprus to the United Nations addressed
to the Secretary-General**

I have the honour to transmit a letter addressed to you by the President of the Republic of Cyprus, Demetris Christofias (see annex), concerning a serious incident which occurred yesterday off the southern territorial waters of Cyprus, when vessels legitimately conducting exploratory surveys within the exclusive economic zone of Cyprus upon authorization from my Government, received threats by a Turkish warship and were forced to withdraw within the territorial waters of Cyprus.

You may recall that this is the latest in a series of violations by Turkey of Cyprus's sovereignty and territorial integrity, and of its maritime space, which have included the conduct of military exercises with live ammunition therein and the unlawful exploration of its sovereign natural resources. All these violations have been duly brought to the attention of the United Nations.

The above incident itself, as well as its timing, give rise to grave concerns. The hostile and threatening character of the incident points to the increasingly aggressive nature of Turkey's actions in the maritime space of Cyprus, while its timing, in the midst of a process aiming to reunify the island, serves only to undermine the process and to raise doubts as to Turkey's commitment to it.

It is all the more disconcerting that Turkey will begin a two-year term on the Security Council on 1 January 2009 when it displays such contempt for the Charter of the United Nations and the United Nations Convention on the Law of the Sea, the majority of whose provisions codify customary international law. Turkey's conduct vis-à-vis the Republic of Cyprus, a sovereign, democratic and responsible State Member of the United Nations, reconfirms that Turkey itself is a source of tension and instability in the eastern Mediterranean.

The Government of Cyprus has no doubts about its sovereignty over the totality of its territory, its territorial sea and its airspace and/or about its sovereign rights over its exclusive economic zone and its continental shelf. It is in exercising a sovereign right in full conformity with international law that Cyprus is proceeding



with the prospection, exploration and production of hydrocarbons in its exclusive economic zone. In accordance with relevant international law, Turkey has no legal, or other, interest in these areas.

The Republic of Cyprus, its convictions fortified by the certainty of upholding and defending international legality and fundamental principles of international relations enshrined in the Charter of the United Nations, stands firm on its positions of principle and will continue to exercise its sovereign rights under international law.

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) Minas **Hadjimichael**

Annex to the letter dated 14 November 2008 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I feel obliged to communicate with you in order to draw your attention to a most serious incident that took place in the early morning of 13 November, which is related to your good offices mission in Cyprus and the negotiations that are in process under the auspices of the United Nations:

A Turkish warship approached yesterday two ships under foreign flag that were conducting an exploratory survey within the exclusive economic zone (EEZ) of the Republic of Cyprus, 27 miles off the south coast of the island. Both ships were conducting the survey for, and on behalf of, the Government of the Republic of Cyprus, and informed accordingly the Turkish warship, when asked. The Turkish warship, after threatening the two foreign flagged ships, claimed to be within the EEZ of Turkey. The two ships were forced, by the Turkish warship, to cease their operations and withdraw within the territorial waters of the Republic of Cyprus, under fear for the lives of their crews and the integrity of the ships.

It becomes apparent that Turkey continues its unacceptable policy of questioning the sovereign right of the Republic of Cyprus, as a State Member of the United Nations, to exploit the natural resources within its EEZ, in accordance with international law and in particular the United Nations Convention on the Law of the Sea. Needless to remind you, in this respect, that such behaviour constitutes a violation of the obligation of Turkey, as a Member of the United Nations, to respect the sovereignty and territorial integrity of all States, including that of the Republic of Cyprus, as the United Nations has repeatedly underlined in numerous resolutions by the Security Council, on which, ironically enough, Turkey will sit as a non-permanent member in less than two months' time.

The gravity of the incident cannot be overstated, taking into account the crucial time in relation to the efforts for a comprehensive settlement of the Cyprus problem. Turkey has chosen, once more, to ignore the calls of the international community to actively support the efforts for a solution and, on the contrary, it continues to do all in its power to undermine such efforts by demonstrating aggressive behaviour.

More significantly, the provocative Turkish policy, exemplified in the past by military exercises with the use of real ammunition within the territorial waters of the Republic of Cyprus and underlined yesterday by threats directed towards ships of foreign flag within the EEZ of the Republic fills us with disappointment. We have repeatedly shown our good will and constructive spirit, which seems to be reciprocated only with threats and provocation.

The United Nations is investing a great deal in the negotiation process at hand, so such incidents ought to come to your attention immediately. I can only convey the dismay of my Government over what transpired. The Government of the Republic of Cyprus will continue to act always within the dictates of international legality. It is our belief that intransigence and provocation can only be effectively combated through respect of international law and the relevant conventions of the United Nations. I am certain that you, as the Secretary-General of an organization that was designed to uphold world peace, share this conviction.

(Signed) Demetris Christofias
President of the Republic of Cyprus

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**Belgium, Croatia, France, Italy, Russian Federation,
United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution**

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004, 1639 (2005) of 21 November 2005, 1722 (2006) of 21 November 2006, 1764 (2007) of 29 June 2007 and 1785 (2007) of 21 November 2007,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the High Representative's continued role in Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Recalling all the agreements concerning the status of forces referred to in Appendix B to Annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Further recalling the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in Appendix B to Annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR), the Senior Military Representative and personnel of the NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,



Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Recognizing that full implementation of the Peace Agreement is not yet complete, while *paying tribute* to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the thirteen years since the signing of the Peace Agreement,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while *recognizing* the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

Noting the reports of the High Representative, including his latest report of 14 November 2008 (S/2008/705),

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President on 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Taking note of the conclusions of EU Foreign Ministers and Ministers of Defence at their joint meeting on 14 May 2007, which reiterate that the EU would retain a military presence in the country as long as necessary, in order to continue contributing to the maintenance of a safe and secure environment, and the conclusions of EU Foreign Ministers and Ministers of Defence at their joint meeting on 10 November 2008,

Recalling the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

Further recalling the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (S/2004/917),

Welcoming the European Union's increased engagement in Bosnia and Herzegovina and the continued engagement of NATO,

Reiterating once again its calls on the authorities in Bosnia and Herzegovina to implement in full their undertakings as also confirmed by the PIC Steering Board declaration of 27 February 2008,

Noting that the signing of the Stabilization and Association Agreement (SAA) marked a fundamental step forward in the relationship between Bosnia and Herzegovina and the European Union, and *calling* on the authorities in Bosnia and Herzegovina to shoulder their responsibilities and renew their efforts in this regard,

Noting with satisfaction the agreement between the leaders of three of the main parties in Bosnia and Herzegovina reached on 8 November 2008, calling for these proposals to be rapidly put into concrete form in close cooperation with the High Representative and the PIC Steering Board, and inviting Bosnian political forces to unite around this project,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Paris Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex) and *calls upon* the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and *underlines* that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and *reaffirms* that under Annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account

the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for EUFOR and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its Annexes and Appendices and relevant United Nations Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with Annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (EUFOR), and in the continued NATO presence, established in accordance with its resolution 1575 (2004) and extended with its resolutions 1639 (2005), 1722 (2006) and 1785 (2007), and *welcomes* their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR) and by maintaining a continued NATO presence;

9. *Welcomes* the EU's intention to maintain an EU military operation to Bosnia and Herzegovina from November 2008;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of 12 months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR and *authorizes* the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in Annex 1-A and its appendices, and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and

the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with Annexes 1-A and 2 of the Peace Agreement, *stresses* that the parties shall continue to be held equally responsible for the compliance with that Annex and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure implementation of those Annexes and the protection of EUFOR and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of the EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions, and *recognizes* the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR and NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to *provide* appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates its appreciation* for the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.